



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources  
From: Steven Biel, Sr. Planner *SB*  
Date: November 19, 2008  
Subject: *Request for a variance by Jorge & Giselle Sanabria for property located on the northeast corner of the US 1 and Park Drive intersection, Key Largo, Mile Marker 100.4, Real Estate No. 00524100.000000*

**Meeting: December 2, 2008**

#### I REQUEST:

The subject property is located in a Sub Urban Commercial (SC) Land Use District. The property is a corner lot and the applicant is requesting a variance of ten (10) feet from the required twenty-five (25) foot front yard setback along the US 1 right-of-way and seven (7) feet, eight (8) inches from the required twenty-five (25) foot front yard setback along Park Drive. As a result, the front yard setbacks would be fifteen (15) feet along the US 1 right-of-way and seventeen (17) feet, four (4) inches along Park Drive.



Subject Property, Overseas Highway, Key Largo (2004)

*h.*

1 The granting of this variance would provide the applicant with more buildable land area  
2 to better facilitate the arrangement of a proposed two-story building with 1,000 ft² of  
3 office floor area on the first floor and one (1) employee housing unit on the second story.  
4 In addition, the site plan includes four (4) parking spaces and a loading zone.  
5

6 Location:

7 Address: Northeast corner of the US 1 and Park Drive intersection, Key Largo,  
8 MM 100.4 (bayside)  
9 Legal Description: Block 5, Lot 10, Amended Plat of Key Largo Park (PB3-62),  
10 Key Largo, Florida  
11 Real Estate Number: 00524100.000000

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12  
13 Applicant:

14 Owner: Jorge and Giselle Sanabria  
15

16 II RELEVANT PRIOR COUNTY ACTIONS:  
17

18 Staff found no relevant prior county actions.  
19

20 III BACKGROUND INFORMATION:  
21

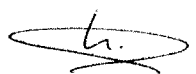
- 22 A. Size of Site: 6,414 ft² (0.147 acres)  
23 B. Land Use District: Sub Urban Commercial (SC)  
24 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)  
25 D. Tier Designation: Tier 3  
26 E. Flood Zone: Zone X  
27 F. Existing Use: Vacant  
28 G. Existing Vegetation / Habitat: Hammock  
29 H. Community Character of Immediate Vicinity: Mix of residential and commercial uses  
30

31 IV REVIEW OF APPLICATION:  
32

33 As set forth in MCC §9.5-281, the required non-shoreline setbacks for the SC District are  
34 as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10 / 15 feet (where 10  
35 feet is the required side yard for one side and 15 feet is the minimum combined total of  
36 both side yards).  
37

38 The subject property is a corner lot on the northeast corner of the US 1 and Park Drive.  
39 The property is bordered to the southeast by a 100-foot right-of-way along US 1, a vacant  
40 lot to the northeast, another vacant lot to the northwest, and a commercially-developed  
41 property across Park Drive to the southwest. Currently, there are no structures on the  
42 subject property.  
43

44 The property has required front yard non-shoreline setbacks of 25 feet along the two rights-  
45 of-way along US 1 and Park Drive, a required rear yard non-shoreline setback of 10 feet



1 along the northwestern property line, and a side yard non-shoreline setback of 5 feet along  
2 the northeastern property line.  
3

4 The applicant is requesting a variance from the Planning Commission of 10 feet from the  
5 required 25-foot front yard setback along the US 1 right-of-way and 17 feet, four 4 inches  
6 from the required 25-foot front yard setback along Park Drive. As a result, the front yard  
7 setbacks would be 15 feet along the US 1 right-of-way and 7 feet, eight 8 inches along Park  
8 Drive.  
9

10 The granting of this variance would provide the applicant with more buildable land area to  
11 better facilitate the arrangement of the 1,000 ft<sup>2</sup> office floor area on the first floor and one  
12 (1) employee housing unit on the second story.  
13

14 A site plan prepared by Pablo R. Garcia, P.E. and dated September 25, 2008 was submitted  
15 by the applicant indicating a portion of the proposed building would be located within the  
16 front yard setback along US 1 right-of-way. In addition, the proposed off-street parking  
17 spaces would be located within the required front yard setback along Park Drive.  
18

19 *Pursuant to MCC §9.5-524, the Planning Commission may grant a variance if the*  
20 *applicant demonstrates that all of the following standards are met:*  
21

22 *A. The applicant demonstrates a showing of good and sufficient cause;*  
23

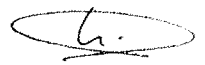
24 The applicant contends that the site presents a difficult design problem because of the two  
25 (2) street frontages. Furthermore, the applicant believes the variance would be  
26 compatible to other existing development in the area. Finally, the applicant states that the  
27 variance would not affect the required bufferyards.  
28

29 Staff has determined that a variance to the required non-shoreline front yard setbacks  
30 along US 1 and Park Drive would be necessary in order for the applicant to construct the  
31 proposed 1,000 ft<sup>2</sup> office building, employee housing unit, parking, and open space. In  
32 addition, staff has found that the proposed design would preserve more of the hammock,  
33 as opposed to allowing the applicant to clear and build within the as-of-right area.  
34 Therefore, staff has found that the applicant has demonstrated a showing of good and  
35 sufficient cause.  
36

37 *B. Failure to grant the variance would result in exceptional hardship to the applicant;*  
38

39 The applicant contends that the proposed 32' X 31' (approximately 1,000 ft<sup>2</sup>) building  
40 footprint would be the minimum necessary in order to construct the employee housing  
41 unit above the office space.  
42

43 Staff believes the proposed development would be consistent with the surrounding  
44 neighborhood of single-family dwellings and commercial uses. The variance request is  
45 primarily to allow the parking to be within the front yard setback. Many other  
46 commercial properties along US 1 have parking in the front yard setback.



1 The applicant has considered all options pertaining to the placement of the proposed  
2 building and has determined the proposed location would better preserve the existing  
3 hammock that covers the lot. Furthermore, the County encourages the development of  
4 employee housing which the applicant contends would not be built if the variance is not  
5 granted. Therefore, staff has found that failure to grant the variance would result in  
6 exceptional hardship to the applicant.  
7

- 8 C. *Granting the variance will not result in increased public expenses, create a threat to*  
9 *public health and safety, create a public nuisance, or cause fraud or victimization of the*  
10 *public;*  
11

12 The applicant asserts that the County would benefit from the proposed one employee  
13 housing unit.  
14

15 Staff has found that granting the variance will not result in increased public expenses,  
16 create a threat to public health and safety, create a public nuisance, or cause fraud or  
17 victimization of the public.  
18

- 19 D. *The property has unique or peculiar circumstances, which apply to this property, but*  
20 *which do not apply to other properties in the same zoning district;*  
21

22 The applicant contends that the two front yard setbacks create a peculiar circumstance not  
23 shared by a majority of properties in the area.  
24

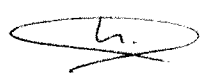
25 In general, being a corner lot is not a unique or peculiar circumstance; however, due to  
26 the 100' right-of-way and the amount of hammock on the Tier III property, it is more  
27 challenging to find a suitable as-of-right building site. Therefore, staff has found that the  
28 property has unique or peculiar circumstances which apply to this property, but which do  
29 not apply to all other properties in the same zoning district.  
30

- 31 E. *Granting the variance will not give the applicant any special privilege denied other*  
32 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
33 *established development patterns;*  
34

35 Staff has found that granting the variance will not give the applicant any special privilege  
36 denied other properties in the immediate neighborhood in terms of the provisions of the  
37 land development regulations or established development patterns.  
38

- 39 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
40 *members of his family;*  
41

42 Staff has found that granting the variance is not based on disabilities, handicaps or health  
43 of the applicant or members of his family.  
44  
45



1 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*  
2 *family; and*  
3

4 Staff has found that granting the variance is not based on the domestic difficulties of the  
5 applicant or his family.  
6

7 H. *The variance is the minimum necessary to provide relief to the applicant.*  
8

9 Staff has found that the proposed variance is the minimum necessary to provide relief to  
10 the applicant. In fact, the applicant originally submitted a site plan proposing an  
11 approximate 1,500 ft<sup>2</sup> building. After discussions with staff, the applicant reduced the  
12 proposed building to 1,000 ft<sup>2</sup>, which is the minimum in order to achieve the goals of the  
13 applicant.  
14

15 V RECOMMENDATION:  
16

17 Staff recommends APPROVAL to the Planning Commission for a variance of ten (10)  
18 feet from the required twenty-five (25) foot front yard setback along US 1 and seven (7)  
19 feet, eight (8) inches from the required twenty-five (25) foot front yard setback along Park  
20 Drive, with the following conditions:  
21

22 A. This variance is based on the design of the 31-foot by 32-foot building, as shown on the  
23 site plan prepared by Pablo R. Garcia, P.E. and dated September 25, 2008. Work not  
24 specified or alterations to the site plan may not be carried out without additional Planning  
25 & Environmental Resources Department approval.  
26

27 B. This variance is to allow the 31-foot by 32-foot building, four (4) parking spaces, and  
28 loading zone, as shown on the site plan prepared by Pablo R. Garcia, P.E. and dated  
29 September 25, 2008, within the required front yard setbacks along US 1 and Park Drive.  
30 It does not waive any other required setbacks and it does not waive the required front  
31 yard setbacks for any future structures or additions.  
32

33 VI PLANS REVIEWED:  
34

35 A. Site Plan by Pablo R. Garcia, P.E. dated September 25, 2008

36 B. Boundary Survey by Tri-County Engineering, Inc., dated April 27, 2007

